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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,830	04/16/2004	Edmond Heng Lim	LIM3	1722
45498	7590	11/21/2007		
RISTO A. RINNE, JR. COMPLETE PATENTING SERVICES 2173 EAST FRANCISCO BOULEVARD, SUITE E SAN RAFAEL, CA 94901			EXAMINER WUJCIAK, ALFRED J	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 11/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,830

Applicant(s)

LIM, EDMOND HENG

Examiner

Alfred Joseph Wujciak III

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8, 11-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 14, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 11-13 and 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the non-final Office Action for the serial number 10/826,830, PAPER PLATE BEVERAGE HOLDER, filed on 4/16/04.

Allowability of claim 6 which is incorporated in independent claim 1 has been withdrawn in view of new ground rejection. Any inconvenience is regretted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

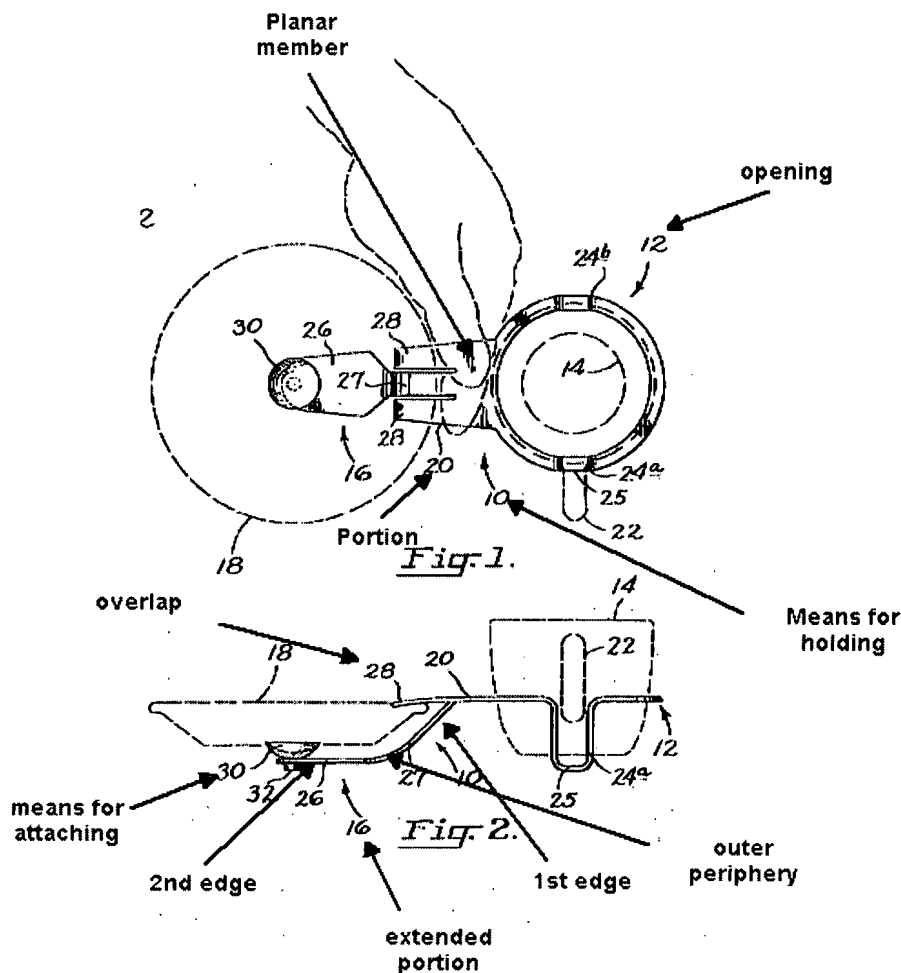
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 14 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 2,994,438 to Nelson.

Nelson teaches a holder comprising means for holding (10) including a substantially planar member. The planar member includes a portion (20) thereof and an opening (12) in the planar member. The planar member includes an extended portion (16). The portion includes a section of overlap (28). The extended portion includes a first edge, a second edge and outer periphery intermediate the opposite end of the first and second edges. The holder further comprises means for attaching (30) and means for providing a support (25) under the opening. The holder is formed of paper (column 3, line 30) or of a material other than paper (plastic, column 3, line 31).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of US Patent # 6,609,625 to Gibbar.

Nelson teaches the means for attaching but fails to teach the means for attaching includes an adhesive. Gibbar teaches the means for attaching (34) includes adhesive. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have replaced Nelson's means for attaching with adhesive to provide alternative material for attaching the holder to plate.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Gibbar and in further view of US Patent # 6,807,761 to Rappaport et al.

Nelson in view of Gibbar teaches the means for attaching includes an adhesive but fails to teach the adhesive includes a peel-off strip. Rappaport et al. teaches adhesive (24) with a peel off strip (26). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the peel off strip to Nelson in view of Gibbar's adhesive as taught by Rappaport et al. to provide protection for the adhesive from external object when not being used.

Allowable Subject Matter

Claims 11-13, 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 22 is allowed.

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Response to Arguments


Applicant's arguments with respect to claims 1-4, 7-8 and 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (571) 272-6827 or send e-mail to the examiner at Joey.Wujciak@uspto.gov. The fax machine telephone number for the Technology Center is (571) 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary examiner
A. Joseph Wujciak III
Art Unit 3632


A. JOSEPH WUJCIAK III
PRIMARY EXAMINER
TECHNOLOGY CENTER

11/16/07